

Judge Mary Jo Heston
Chapter 7

United States Bankruptcy Court
Western District of Washington

In re:
Jared Martin Rowe

Debtor.

Case #24-21318-MJH

Transcript of 3rd continued 341 meeting
Held September 17, 2024

SPEAKERS:

TRUSTEE: Russell D. Garrett, Trustee

DEBTOR: Jared Martin Rowe, Pro Se

[Denice E. Moewes, Wood and Jones, P. S, General Counsel does not speak but has been appointed as attorney for Chapter 7 Trustee Garrett]

MIN: 0:00

TRUSTEE: Okay. The next case is Jared Martin Rowe. Is Mr. Rowe here?

DEBTOR: Uh, this is Jared. I'm here for Jared Martin Rowe.

TRUSTEE: Okay. Do we have any creditors present? Alright. I received two packages yesterday afternoon with a lot of documents in them um, and, um, in the office so, and apparently there's some schedules that were filed, uh, let me see...

DEBTOR: That's correct.

TRUSTEE: Amended...

DEBTOR: Yesterday as well.

TRUSTEE: Were they actually filed yesterday? Were they... yeah.

DEBTOR: Yeah, they were filed yesterday but they were dated for the 12th...

TRUSTEE: Yeah, there we go

DEBTOR: ...if I remember correctly.

TRUSTEE: Okay. Um, alright. Well, let me get you to raise your right hand so I can get you sworn in. Do you, let me know when your hand is raised.

1 DEBTOR: Hand's raised.

2 TRUSTEE: Do you swear or affirm under penalty of perjury that the testimony you are
3 about to give will be the truth?

4 DEBTOR: To the best of my knowledge, yes.

5 TRUSTEE: Alright. And for the record, can you identify who you are?

6 DEBTOR: I, I'm Jared Martin (inaudible) Rowe.

7 TRUSTEE: Okay. But if I remember right, you claim not to be the Debtor.
8

9 DEBTOR: I'm not acting in that capacity right now. That's correct.

10 TRUSTEE: Okay. Now, but you've been the one that supplied me with all the documents,
11 correct?

12 DEBTOR: That's correct.

13 TRUSTEE: Okay. So, can you tell me what, what the changes are in the amendments, um,
14 as I, this is I think the third set. Um, the real estate is back

15 DEBTOR: Yeah, so,

16 TRUSTEE: on the, uh, the real estate is back in the Schedules this time. But go ahead.
17

18 DEBTOR: So, um, on Form B, uh, let's see, it's (inaudible) Schedules currently. Um, on
19 the, on the initial Section of the 101 it's just added the names that the Debtor
20 has gone by, um, for completion or for clarity sake. On the 106(a)(B) the
21 nature of the ownership is corrected I believe for the property. On Part 2,
22 there were some mistaken details on April, I believe it would be the date.
23 The manufacturer's date for that vehicle. And then there were some
24 miscalculated (inaudible). And some of that is in question right now because
25 the Debtor is trying to renegotiate or get the, renew the original agreement
26 with this particular employment and because the case hasn't yet been
27 adjudicated, or (inaudible) fully been concluded, that's still pending. The
28 forms have not yet been completed and provided, so...

25 TRUSTEE: Which forms

26 DEBTOR: (inaudible - talking over each other)

27 TRUSTEE: Which forms?
28

29 DEBTOR: The, let's see

1 TRUSTEE: With who?

2 DEBTOR: Reaffirmation agreement with HAPO.

3 TRUSTEE: Okay.

4 DEBTOR: On the vehicle.

5 TRUSTEE: Yeah. Okay.

6
7 DEBTOR: So, those are probably, those will probably be submitted during the next few
8 days. Um, and I believe those are going to come straight from HAPO not from
9 the Debtor.

10 TRUSTEE: Okay.

11 DEBTOR: And then, um, on 106(c) the interest homestead exemption claim was, was
12 corrected on the misunderstanding that the, because the Debtor was
13 perceived to have interest in the property, even though it wasn't a controlling
14 interest or ownership interest, that they could qualify for the homestead
15 exemption and that's not true so that was corrected. And then on 106(c), I
16 think that there was a cover page, there should have been a cover page
17 submitted with the updated Schedules.

18 TRUSTEE: Yeah, I'm looking through, uh, Schedule C now.

19 DEBTOR: Okay.

20 TRUSTEE: Schedule. Here's A-B. There's C. The Toyota Corolla was the only thing that
21 is listed on Schedule C now.

22 DEBTOR: Let's see, that's, yeah, I think that's correct.

23 TRUSTEE: Okay. Alright. Well, there may be an objection filed anyway, just to make
24 sure that's clean. But that's okay. Um, alright. So, so the, I see the Notice of
25 Amendments and To Whom it Concern there. Um,

26 DEBTOR: Okay.

27 **MIN: 5:30**

28 TRUSTEE: Alright. Then there was, I haven't gone through all the documents yet that
29 were delivered. And a lot of them had, I can see from a general perusal that
there was a, it looked like there was a trust document that was formed 20
years ago or 25 years ago but the, but the, um, the quit claim deed that I saw
to the home was, was, um, um, signed, um, let's see, that's a deed of trust.
The quit claim deed that I, that I saw earlier was done right before the

bankruptcy transferring it to it looked like the Trust.

DEBTOR: Yeah. The Debtor's understanding was that there was no debt formed on the house and that was done for estate planning purposes. And I think it should have (inaudible) for that (inaudible) alone.

TRUSTEE: Well, yeah. Except the first, the first filing showed that it was, that the, uh, there was some encumbrance by the, the Star Trust because of a loan of 9 billion dollars.

DEBTOR: Yeah, that was a misunderstanding and mistake.

TRUSTEE: Okay, so, so the real estate was transferred to DVJ Star Seed Express Trust which, which, um, that's an irrevocable trust?

DEBTOR: Right.

TRUSTEE: And

DEBTOR: And that's a domestic trust. It rolls up underneath Jared Martin Rowe Trust which I think you also received documentation for yesterday. And that Jared Martin Rowe Trust is a form of grantor trust.

TRUSTEE: Well, as I recall, um, I think you were listed as a co-trustee on one of them.

DEBTOR: Yeah (inaudible) not in capacity as a Debtor.

TRUSTEE: Right. So, so you're a co-trustee on the Trust that has the real estate in it?

DEBTOR: In that, so, ha ha, I am, yes, personally.

TRUSTEE: Alright. I, and I still need to get a realtor out to take a look at the home and the question is, how do I do that? Who should she contact?

DEBTOR: The home is not part, is not property of the Debtor. So...I don't know how the home is part of the bankruptcy at this point is what I'm saying.

TRUSTEE: Well, you just listed it in the Amended Schedules.

DEBTOR: Uh, as equitable interest.

TRUSTEE: So, so it's property of the estate. Under 541 of the Code, it's property of the estate.

DEBTOR: Right.

TRUSTEE: Exactly. If it's property of the estate, I have control of it. Which means I get to, I get to go take a look at it and the realtor, my realtor can go look at it. So, that's my question is who, who do I have the realtor contact to go do an inspection and valuation of the property?

1 DEBTOR: They can contact the Trust through the mailing address, the contact address
2 that was provided.

3 TRUSTEE: Well, that's not good enough. Who's living there?

4 DEBTOR: Well, the living person are the beneficiaries. They're not...

5 TRUSTEE: And who are the beneficiaries?

6 DEBTOR: The house is owned, we've been through this, I think. The house is owned by
7 the Trust.

8 **MIN: 9:40**

9 TRUSTEE: So, well, what I want to know is who is there that I can contact to go inspect
10 the home?

11 DEBTOR: And I'm not, I'm not sure that the residents of the home are able to give that
12 permission is what I'm saying.

13 TRUSTEE: Why not? They live there.

14 DEBTOR: Well, just because they live there doesn't mean they have controlling interest
15 of it.

16 TRUSTEE: What else, who else would have controlling interest?

17 DEBTOR: The Trust.

18 TRUSTEE: Well the Trust operates through its trustees of which you are one.

19 DEBTOR: I'm just one of many. So, it's, there's additional trustees that, that have to be
20 consulted before any kind of appointment to the property
21

22 TRUSTEE: Well, that's a court issue. You're the one that filed the bankruptcy so, so, you,
23 I mean, alright. If you want me to file a motion with the Court, I will do it. Is
24 that what you are going to require me to do?

25 DEBTOR: Okay. Hahaha. Uh, I guess I'm misunderstanding what....

26 TRUSTEE: No, this is no misunderstanding. I want into the house, I want my realtor to
27 go take a look at the house, go through the house, inspect it and come up with
28 a value for it. That's what I want to do.

29 DEBTOR: The house belongs to the Trust.

TRUSTEE: I'm just asking. Are you precluding me from doing it?

1 DEBTOR: I, I don't have that authority.

2 TRUSTEE: You live there.

3 DEBTOR:to answer questions.

4 TRUSTEE: You live there.

5 DEBTOR: It doesn't matter where I live.

6 TRUSTEE: It does. You have access and complete control over the property.

7 DEBTOR: This is, the Debtor is (inaudible). I don't have the access to any trust
8 property through the Debtor.

9 TRUSTEE: You are the trust, one of the Trustees. Alright. We're going to make this
10 simple

11 DEBTOR: (Inaudible - talking over each other)

12 TRUSTEE: I haven't been through the documents so, maybe there's something I'm
13 missing. You dropped them off on me yesterday. So, what I'll do is I'll
14 continue this to the 16th of October at 3:00 o'clock and in the meantime we'll
15 see about filing a motion to address all this.

16 DEBTOR: (inaudible) With all due respect, I, I felt compelled to drop those documents
17 off yesterday. I did not, I didn't have the chance to fully go through those
18 myself yet so, um, I apologize for the last minute-ness.

19 TRUSTEE: So, I'm just going to. just going to give you a little friendly note here. If it's
20 determined that the Debtor has an interest in the residence, and if it's
21 property of the bankruptcy estate, and if anybody is precluding the Trustee,
22 that's me, the Chapter 7 Trustee, from possessing, controlling, becoming
23 involved with, inspecting, valuing the property, that can be serious and I'm
24 not going to tell you how serious. I'm just going to tell you it's serious
25 enough you should seek the assistance of counsel before you do that. I'm just
26 giving you a friendly note. Alright? Once we start filing things with the
27 Court, it's gonna, it's gonna be as aggressive as it takes within the bounds of
28 the law and ethics to make sure that I'm doing my job under Chapter 7 of the
29 U. S. Bankruptcy Code. That's what I've got to do. So, um, I'm just, if you have
any questions about what the rights and obligations are and the potential
ramifications of not cooperating with the Trustee, or worse, precluding the
Trustee from dealing with the duties, I would suggest you get counsel's
assistance. Um, so that's all I'm going to say in it so, you've at least had a, had
a friendly note on it. Um, it's not a threat. I'm just, I just don't want there to
be any surprise later that somebody says, 'Well, gee. Nobody told me this

could be serious'. I'm telling you it could be serious.

DEBTOR: I appreciate that.

TRUSTEE: Alright.

DEBTOR: I hear you loud and clear.

TRUSTEE: Alright.

DEBTOR: Question? Does the record show that the Claimants, OMNI Property, have dropped their claim? Have canceled their claim?

TRUSTEE: For what? What claim?

DEBTOR: For the BSI, the alleged creditor for the property, um, it appears as though their, their website was updated to show the debt and the foreclosure has been canceled and I was just curious if you've come across any records.

TRUSTEE: The Motion for Relief from Stay is still on the calendar so you're going to get your day in court on that one. Um, so that's still on the calendar.

DEBTOR: I'm not sure if they rescheduled that, thought because, again, the creditor, the alleged creditor has canceled their records. They canceled the trustee's sale. Um, they canceled the debt. Um, maybe I need to submit that, those

TRUSTEE: Yeah, I'm not aware of any cancelation of debt

DEBTOR: (Inaudible -speaking over each other)

TRUSTEE: Um, it doesn't

DEBTOR: Okay

TRUSTEE: surprise me the sale was either postponed or canceled. That doesn't surprise me because they didn't get relief from stay in order to do it. So, alright. This one's continued to the 16th of October at 3:00 p.m. by telephone. I'll take a look at the documents. In the meantime, there is a relief from stay motion pending. I know that. Um, you know, you've been told before now and now that I want access to the property to inspect it and value it, um, and so, um, the chips will fall where they fall. But that's it for today. Alright?

DEBTOR: Okay.

TRUSTEE: Alright. We're moving on to the next case.

DEBTOR: Thank you.

1 **MIN: 16:12 END**

2
3 **CERTIFICATION**

4 STATE OF WASHINGTON)
5 : ss.
6 COUNTY OF KING)

7 I, Kieran M. McKee, am a legal assistant in the firm of WOOD & JONES, PS, of legal
8 age, and competent to testify. I certify and declare under penalty of perjury under the laws
9 of the State of Washington as follows:

10 I have been a legal secretary for over four decades and am experienced in
11 transcription. I have transcribed the audio file of the third continued 341 hearing held -
12 before Trustee Russell D. Garrett on September 17, 2024, in the Bankruptcy Estate of
13 Jared Martin Rowe accurately, word for word, to the best of my ability.

14 DATED: September 26, 2024, at Bura;rien, Washington

15 /s/ Kieran M. McKee
16 Kieran M. McKee, Legal Assistant to
17 Denice E. Moewes, General Counsel to
18 Chapter 7
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